REMARKS

Claims 1-13 and 15-38 are currently pending. Claim 14 has been canceled without prejudice. Claims 1, 5, and 12 have been amended for clarification purposes only. Claims 17-38 have been added to enhance the scope of patent coverage and are supported by the original claims and page 6, line 1, through page 7, line 20, of the specification as filed. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-4 and 11-16 under 35 U.S.C. 102(b) as being anticipated by Suzuki, U.S. Patent No. 5,903,843.

For a claim to be anticipated, each and every non-inherent claim limitation must be disclosed in a single reference. MPEP 2131.

Claim 1 recites

> A method for a system comprising a communications device and a communications network, wherein the communications network generally provides at least **a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network**, and wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the method comprising: **determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided**.

Claim 13 recites

> A communications device configured for operation with a communications network, which communications network generally provides at least **a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network**, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, the communications device comprising: **means (RF, MCU, 515, SW) for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided**.

Claim 15 recites

> A base station of a communications network, which communications

network generally provides at least **a direct cell access mechanism and an alternative cell access mechanism for a communications device for uplink access to the communications network**, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, **the base station comprising: means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided**.

Claim 16 recites

A system comprising a communications device and a communications network, which communications network generally provides at least **a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network**, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, **the communications network comprising: means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided**; and the communications device comprising: means (RF, MCU, 515, SW) for receiving said indication.

Claim 17 recites

A communications device configured for operation with a communications network, which communications network generally provides at least **a direct cell access mechanism and an alternative cell access mechanism for the communications device for uplink access to the communications network**, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, **the communications device comprising: a receiver for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided**, the communications device being configured to use said direct cell access mechanism in response to receiving said indication.

Claim 26 recites

An apparatus, wherein the apparatus is configured to provide generally at least **a direct cell access mechanism and an alternative cell access mechanism** for a communications device **for uplink access to a communications network**, wherein the direct cell access mechanism is a

mechanism enabling the communications device to directly start sending user data on a traffic channel, **the apparatus comprising: a determination module and a transmitter for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided**.

All pending claims recite a direct cell access mechanism and an alternative cell access mechanism for a communications device for uplink access to a communications network. Applicant discloses the direct cell access mechanism and the alternative cell access mechanism, for example, on page 6, line 15, through page 7, line 2, of the application as filed. The claims recite determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided. None of the cited references – Suzuki, Rinne, or Elliott – disclose two cell access mechanisms nor the communications network (or base station) indicating to the communications device whether the direct cell access mechanism can at a given time be provided nor determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

Suzuki discloses a method for finding a channel amongst several channels (e.g., Figures 5, 9, and 13) having a carrier to interference power ratio (CIR) below a threshold. Suzuki (column 2, lines 12-17) discloses changing a channel assignment mode in accordance with the traffic density. Suzuki (column 2, lines 28-39) discloses that when the traffic density is high, the same channel can be shared by based stations placed at relatively short distances from each other; whereas, when traffic density is low, the available channels are selected so as to share a channel by base stations placed at long distances from each other. Traffic density serves as a condition in a single cell access mechanism to determine a mode of channel assignment. Suzuki, column 5, lines 17-40, discloses that before the mobile can start to send data on the traffic channel, it has to receive a candidate traffic channel, listen to that channel and even make measurements on that channel and send an acknowledgment to the base station by using a control channel – activities which are expected to require much time. Therefore, Suzuki does not teach a fast "direct cell access mechanism" as recited in the currently pending claims. In other words, in Suzuki's system, the mobile will not be able to start directly sending user data on a traffic channel.

Furthermore, Suzuki is concerned with analog cordless phones only. The framework of Suzuki's invention is therefore totally different from Applicant's invention.

Suzuki discloses that the base stations selects a channel in a predetermined order (column 5, line 61, through column 6, line 18) and compares it to a threshold to determine if the channel may be assigned. The mobile station then indicates if it grants permission to use the assignable channel. Applicant's disclosed direct cell access mechanism does not require that the mobile station grant permission. Suzuki's disclosed method (column 5, line 61, through column 6, line 18) is a two step access method, similar to the alternative cell access mechanism disclosed by Applicant (column 6, line 26, through column 7, line 2). Accordingly, Suzuki does not disclose determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided.

As Suzuki does not disclose both a direct cell access mechanism and an alternative cell access method nor determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided, Suzuki does not anticipate claims 1-4 and 11-16.

The Patent Office rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent No. 5,903,843, in view of Rinne, U.S. Patent No. 6,993,340.

Rinne discloses selecting a traffic channel dynamically by using a predefined selection rule (abstract). As Rinne does not disclose both a direct cell access mechanism and an alternative cell access method nor determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided, Rinne does not remedy the deficiencies of Suzuki and claims 5 and 6 are not made obvious by Suzuki in view of Rinne.

The Patent Office rejected claims 7-10 under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent No. 5,903,843, in view of Elliott, U.S. Patent No. 6,963,747.

Elliott discloses calculating transmit schedules for the channels of a node. As Elliott does not disclose both a direct cell access mechanism and an alternative cell access method nor determining by the communications network (or, base station) and indicating to the communications device whether the direct cell access mechanism can at a given time be provided, Elliott does not remedy the deficiencies of Suzuki and claims 7-10 are not made obvious by

Suzuki in view of Elliott.

New claims 17-38 are patentable over the prior art of record.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-13 and 15-16 under 35 U.S.C. 102(b) based on Suzuki and 35 U.S.C. 103(a) based on Suzuki in view of Rinne and/or Elliott, and to allow all of the pending claims 1-13 and 15-38 as now presented for examination. An early notification of the allowability of all of the pending claims is earnestly solicited.

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Walter J. Malinowski January 30, 2007

Walter J. Malinowski Date

Reg. No.: 43,423

Customer No.: 29683

HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19
Facsimile: (203) 944-0245
email: wmalinowski@hspatent.com

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1-31-07 Ann Okrentowich

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